

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STANLEY AND KEREN LANGE,

Plaintiffs,

v.

Case No. 04-C-809

PELICAN GROUP EMPLOYER SOLUTIONS
PLAN, et al.,

Defendants.

ORDER

In an order dated January 31, 2006, defendants Kojo Ben Taylor, the Pelican Group Employer Solutions Plan, and The Pelican Group, Inc., (the “sanctioned defendants”) were sanctioned and ordered to pay the costs of the plaintiffs and counsel for failing to appear at a noticed deposition. Other conditions were also imposed. The sanctioned defendants were also placed on notice that failure to comply with that order could result in a default judgment being entered against them. On May 7, plaintiffs filed a motion seeking to strike the defendants’ answer and affirmative defenses, and they also sought entry of a default judgment. The motion and accompanying affidavit indicate that the defendants have not complied with the January 31 order in any way. On July 17, plaintiffs, along with defendant Corporate Benefit Services of America, Inc., (CBSA) filed a joint motion to strike the cross claim filed by the other defendants. The motion suggests that plaintiffs and CBSA have reached a settlement and wish to wrap up this case but cannot do so satisfactorily unless and until the sanctioned defendants’ pending cross claim is resolved.

There has been no response to either motion, and there is no reason to expect that one is forthcoming. The grounds set forth in the May 7 motion suffice to justify an entry of default judgment against the sanctioned defendants. Similarly, the joint July 17 motion supports the relief sought by plaintiffs and CBSA. Accordingly, IT IS ORDERED that:

1. Default judgment shall be entered against Kojo Ben Taylor, Benjamin Taylor, the Pelican Group Employer Solutions Plan, and The Pelican Group, Inc., jointly and severally, in the sum of \$129,838.04.
2. Kojo Ben Taylor, Benjamin Taylor, the Pelican Group Employer Solutions Plan, and The Pelican Group, Inc., jointly and severally, must pay costs and disbursements in the sum of \$1,871.75 pursuant to ERISA § 502 (g).
3. Kojo Ben Taylor, Benjamin Taylor, the Pelican Group Employer Solutions Plan, and The Pelican Group, Inc., jointly and severally, must pay reasonable attorney's fees incurred by the Plaintiffs to prosecute this action in the sum of \$14,917.50.
4. The defendants' cross claim (Docket No. 18) is dismissed with prejudice.
5. Defendant CBSA's cross claim (Docket No. 14) is dismissed without prejudice.

Dated this 3rd day of August, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge